

HOUSE BILL No. 1147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-10.

Synopsis: Background checks for teachers. Requires a school corporation to obtain a national criminal history background check for each newly hired teacher at the school corporation's expense. Requires a newly hired teacher to provide written consent and a set of fingerprints for the background check.

Effective: July 1, 2007.

Bischoff

January 11, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1147

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-5-10, AS ADDED BY P.L.1-2005,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 10. (a) A school corporation, including a school
4 township, shall adopt a policy concerning criminal history information
5 for individuals who:

6 (1) apply for:

7 (A) employment with the school corporation; or

8 (B) employment with an entity with which the school
9 corporation contracts for services;

10 (2) seek to enter into a contract to provide services to the school
11 corporation; or

12 (3) are employed by an entity that seeks to enter into a contract to
13 provide services to the school corporation;

14 if the individuals are likely to have direct, ongoing contact with
15 children within the scope of the individuals' employment.

16 (b) A school corporation, including a school township, shall
17 administer a policy adopted under this section uniformly for all

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individuals to whom the policy applies.

(c) A policy adopted under this section must require a national criminal history background check under IC 10-13-3-39 for each individual hired for certificated employment with the school corporation. The individual must provide written consent and a set of fingerprints for the school corporation to request a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment with the school corporation. The school corporation is responsible for all costs associated with obtaining the national criminal history background check.

(d) A policy adopted under this section may require any of the following:

(1) The school corporation, including a school township, may request limited criminal history information concerning each applicant for noncertificated employment ~~or certificated employment~~ from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.

(2) Each individual hired for noncertificated employment ~~or certificated employment~~ may be required to provide a written consent for the school corporation to request under IC 10-13-3 limited criminal history information or a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history background check.

(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 10-13-3-11) to the school corporation.

(4) Each individual hired for noncertificated employment may be required at the time the individual is hired to:

(A) submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3;

(B) obtain a copy of the individual's limited criminal history; and

(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 10-13-3-7) that does not appear on the limited criminal history.

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(5) Each applicant for noncertificated employment ~~or certificated employment~~ may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivisions (2), (4), and (5). An individual who is employed by an entity that seeks to enter into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program may be required to provide the consent described in subdivision (2) or the information described in subdivisions (4) and (5) to either the individual's employer or the school corporation. Failure to comply with subdivisions (2), (4), and (5), as required by the school corporation, is grounds for termination of the contract. An entity that enters into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program is allowed to obtain limited criminal history information or a national criminal history background check regarding the entity's applicants or employees in the same manner that a school corporation may obtain the information.

~~(c)~~ (e) If an individual is required to obtain a limited criminal history under this section, the individual is responsible for all costs associated with obtaining the limited criminal history.

~~(d)~~ (f) Information obtained under this section must be used in accordance with IC 10-13-3-29 **or IC 10-13-3-39.**

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